

**PLAINTIFFS**

April 12, 2011

Adam Louis Koch  
Cathy Ann Koch  
Louis Adam Koch ( Minor )  
Carson Michael Koch ( Minor )  
Rachel Ann Koch ( Minor )

Dept. Of Environmental Management  
Commissioner's Office

APR 19 2011

6609 Hwy 31 E  
Sellersburg, Indiana 47172

-----VS-----

**DEFENDANTS**

1. Town of Sellersburg  
316 Utica Street  
Sellersburg, Indiana

AND

A. Brian K. Meyer ( PERSONALLY AND INDIVIDUALLY )  
316 Utica Street  
Sellersburg, Indiana 47172

AND

B. Michael N. Lockhart ( PERSONALLY AND INDIVIDUALLY )  
1017 Parallel  
Sellersburg Indiana 47172

AND

C. Paul J. Rhodes ( PERSONALLY AND INDIVIDUALLY )  
606 Lane Ave.  
Sellersburg Indiana 47172

AND

D. Terry E. Langford ( PERSONALLY AND INDIVIDUALLY )  
1503 Celesta Way  
Sellersburg, Indiana 47172

AND

E. James H. Lamaster ( PERSONALLY AND INDIVIDUALLY )  
408 West Utica  
Sellersburg Indiana 47172

AND

D. Kevin Wright ( PERSONALLY AND INDIVIDUALLY )  
Licensed Waste Water Treatment Plant Operator  
TOWN OF SELLERSBURG  
316 Utica Street  
Sellersburg, Indiana 47172

2. Indiana Department of Environmental Management  
Mr. Thomas Easterly Commissioner Indiana Department of Environmental Management  
100 North Senate Avenue Room I.G.C.N. 1301  
Indianapolis Indiana 46204

3. Jacobi Tombs and Lanz  
John Tombs  
Jorge Lanz  
1400 South First Street  
Louisville Ky. 40208

CORP. OFFICE  
120 West Bell Ave  
Clarksville Indiana 47129

RE : STATUTORY TORT CLAIM NOTICE  
( Personal Injury & Property Damage Notice )  
Claimant : Adam Louis Koch  
Cathy Ann Koch  
Louis Adam Koch ( MINOR )  
Carson Michael Koch ( MINOR )  
Rachel Ann Koch ( MINOR )

Date of Loss : March 3, 2011 - CURRENT DATE

Comes now Adam Louis Koch, Cathy Ann Koch, Louis Adam Koch ( MINOR ), Carson Michael Koch ( MINOR ), Rachel Ann Koch ( MINOR ), each represented here of PROSE and states the following :

### **TOWN OF SELLERSBURG**

1. This notice meets the criteria for Statutory Tort Claim Notices as required by IC 34-13-3-10.
2. That Adam Louis Koch and Cathy A. Koch reside at 6609 Hwy 31 E. Sellersburg, Indiana 47172.
3. That for purposes of this document the above named Plaintiffs will be regarded as, "The Koch's " here after in this document.
4. That the Town of Sellersburg has a sewer line that runs across the personal real estate of Adam Louis Koch and Cathy Ann Koch.
5. That since 2004, consecutively, The town of Sellersburg has, operated, maintained, controlled, distributed, and functioned the above referenced sewer line, and associated pumping station NAMED " DIAMOND HEIGHTS LIFT STATION " in a negligent, and unlawful manner.
6. That the Town of Sellersburg has a multitude of warnings, issued to them by the Indiana Department of Environmental Management, regarding this same said Sewer Line.
7. That the town of Sellersburg has polluted the property of the Koch's on a biological level that is catastrophic in nature and the Town of Sellersburg did so in a WILLFUL NEGLIGENT MANNER.
8. That the Town of Sellersburg has, created, harmful environmental conditions for "The Koch's " resulting in restricted activity upon their granted territorial rights, as a direct result of Willful Negligence.
9. That the Town of Sellersburg has disallowed the freedom and individual rights of the Koch's being allowed to use their real estate in a fashion that is granted, protected and enforced by the Constitution of The Great State of Indiana, and the Constitution of the United States of America.
10. That the Town of Sellersburg has inflicted emotional distress upon the Koch's causing dire medical conditions that inhibit the Koch's from performing traditional, protected *Constitutional Privileges*.
11. That the Town of Sellersburg has directly caused UNDUE DURESS, upon the Koch's, further violating their Constitutionally Protected Rights.

12. That the Town of Sellersburg its Administrators and Employees have Trespassed upon the Personal Real Estate of the Koch's causing damage.
13. That the Town of Sellersburg is not the Lawfully Granted operator of sewers upon the Koch's property.
14. That the Town of Sellersburg is operating in a dysfunctional manner, outside of it's granted territorial rights and provisions as an incorporated municipality in the State of Indiana.
15. That the Town of Sellersburg has performed items 5 through 14 with Malicious, and Willful INTENT.

#### **INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

1. That the Indiana Department of Environmental Management failed to secure proper operating guidelines, and statutory compliance from the Town of Sellersburg in regards to the operations of the above referenced sewer extension.
2. That the Indiana Department of Environmental Management failed to "protect and serve" the Great State of Indiana and its citizens thereof, including the above named "The Koch's".
3. That the State of Indiana has had seven ( 7 ) years of notice regarding this above referenced sewer line and its associated defects.
4. That the Indiana Department of Environmental Management has allowed harmful biological toxins, and other biological contaminates to be propounded upon the personal property of "The Koch's" and its household failing at I.D.E.M's Federally Required Administrative Duties.
5. That as a direct result of the Indiana Department of Environmental Management's operational failures including failing to Administer Statutory, and Federally Required Guidelines, the Koch's do here by incorporate items 5 through 14 from this document listed above.
6. Incorporating Article 5 above, in this section, the Indiana Department of Environmental Management is effectively, a direct contributing factor and cause of the Koch's Damages, in doing so executing NEGLIGENCE within, and upon, the actions of, The Indiana Department of Environmental Management.

**Jacobi Toombs and Lanz**

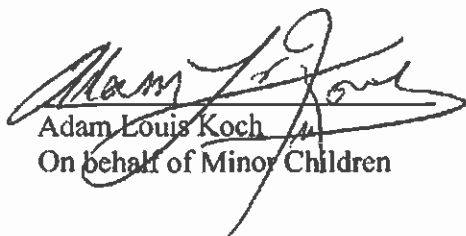
1. Prior to any contamination or destruction of private property, Jacobi Toombs and Lanz engineering firm was established with the Town of Sellersburg as a contractor representing Professional, Legally Licensed, Engineering, decisions, prints, designs, calculations and other services directly attributed to the design, and operations of the above described pumping station and or sewer line.
2. That as a direct result of the faulty design, and operations of the, "Diamond Heights Lift Station" since 2004 running consecutively through 2011 "The Koch's" have sustained personal injury.
3. The Koch's personal Real Estate has been damaged as a direct result of the Inadequacies in performance by Jacobi Toombs and Lanz.
4. The Koch's have lost *Constitutionally Protected Rights* as a direct result of the inadequate professional opinions, prints, and or engineering decisions, of Jacobi Toombs and Lanz Engineering Firm.

**WHEREFORE** by the above referenced article "Statutory Tort Claim Notice" and its named parties referenced DEFENDANTS above INDIVIDUALLY and as a Corporation; Adam Louis Koch, Cathy Ann Koch, Louis Adam Koch ( Minor ), Carson Michael Koch ( Minor ), Rachel Ann Koch ( Minor ). Named as PLAINTIFFS will seek a judgement of the following:


1. AN AMOUNT EXCEEDING STATUTORY LIMITATIONS.
2. AN AMOUNT EXCEEDING INSURED AMOUNTS BY ONE OR MORE OF THE PARTIES NAMED ABOVE.
3. SEEK A JUDGEMENT IN A *TRIAL BY JURY* FOR AN AMOUNT THAT WILL REQUIRE A "TAX LEVY" TO BE ORDERED ON THE *TAXING DISTRICT* of "THE TOWN of SELLERSBURG" IN ORDER TO FULFILL THE DEMANDS OF THE JUDGEMENT SOUGHT.
4. THAT THE PROCEEDINGS FILED IN STATE COURTS COULD POTENTIALLY BE TRANSFERRED TO FEDERAL COURT PENDING FURTHER INVESTIGATION IN FACTS AND FINDINGS.

Pending additional investigation, The Clark County Health Department and the Clark County Sheriff's Department may be placed on notice of the Koch's intent to pursue a Statutory Tort Claim that is directly associated with this cause.

Respectfully Submitted in accordance with Indiana State Law;



Adam Louis Koch  
On behalf of Minor Children



Cathy Ann Koch  
On behalf of Minor Children

CCST :

Indiana Political Subdivision Risk Management Commission  
311 W Washington St, Suite 300  
Indianapolis, IN 46204

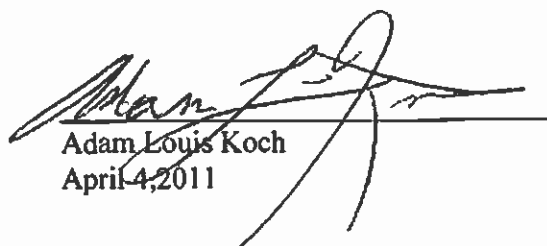
Designated, Prepared, and Tendered by:  
Adam Louis Koch  
6609 Hwy 31 E  
Sellersburg, Indiana 47172  
812-246-0543

## **CERTIFICATE OF SERVICE**

Comes now Adam Louis Koch represented hereof prose and states the following :

1. That a true and correct copy of the attached letter of Statutory Tort Claim Notice has been Hand Delivered to the Town of Sellersburg and its parties. Located at Sellersburg Town Hall 316 Utica Street Sellersburg Indiana 47172. The copies with each labeled as above was placed in the personal hands of the Sellersburg Town Clerk Mr. David Kinder on APRIL 12, 2011.
2. That a true and correct copy of the attached letter Statutory Tort Claim Notice has been properly served via Certified First Class Mail upon The Indiana Department of Environmental Management ATTENTION MR. THOMAS EASTERLY COMMISSIONER located at 100 North Senate Ave. Room I.D.C.N. 1301 Indianapolis, Indiana 46204. On April 12, 2011
3. That a true and correct copy of the attached letter of Statutory Tort Claim Notice has been properly served via Certified First Class Mail upon Jacobi, Toombs and Lanz Engineering Firm Attention Mr. Jorge Lanz 120 West Bell Avenue Clarksville, Indiana 47129. On April 12, 2011.

Adam Louis Koch AFFIRMS under Penalty of Perjury that the above is the truth to the best of his knowledge.



Adam Louis Koch  
April 4, 2011

Designated, prepared and tendered by :  
Adam Louis Koch  
6609 Hwy 31 E  
Sellersburg, In. 47172  
812-246-0543